
S T O L L

K E E N O N

&

P A R K

L L P

2650 AEGON CENTER | 400 WEST MARKET STREET | LOUISVILLE, KENTUCKY 40202-3377
(502) 568-9100 PHONE | (502) 568-5700 FAX | WWW.SKPCOM

C. KENT HATFIELD
502-568-5745
hatfield@skp.com

September 17, 2004

RECEIVED

SEP 20 2004

PUBLIC SERVICE
COMMISSION

Ms. Dorothy Chambers, Esq.
BellSouth Telecommunications, Inc.
601 West Chestnut, Room 407
P.O. Box 32410
Louisville, Kentucky 40232

Re: KPSC Case No. 2002-00276; Presumptive Validity

Dear Dorothy:

At the presumptive validity hearing on September 15, 2004, in the above-captioned matter, the Commission granted leave to AT&T to send a data request to BellSouth on the issue of burden of proof as reflected in some of the questions while Ms. Blake was testifying on cross-examination. AT&T's data request is set forth below:

Data Request: Currently, BellSouth has the burden of proving that its tariff filings should be approved as just and reasonable under KRS 278.190. Would BellSouth's presumptive validity proposal ever shift, or place, the burden of proof from BellSouth to or on (a) the Commission, or (b) any intervenor, either before or after the tariff becomes effective, whether or not the tariff was suspended by the Commission? If so, please explain each and every such instance.

Sincerely,



C. Kent Hatfield
Counsel for AT&T Communications
of the South Central States, Inc.

Cc: Beth O'Donnell, Executive Director
Amy E. Dougherty, Esq. ✓
Martha Ross-Bain, Esq.

STOLL KEENON & PARK LLP

2650 AEGON CENTER, 400 WEST MARKET STREET
LOUISVILLE, KENTUCKY 40202-3377

Elizabeth O'Donnell
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40601

RECEIVED
SEP 20 2004
KENTUCKY
COMMISSION

4050240615 07

